

Appl. No. 10/099,847  
Amdt. Dated Dec. 2, 2003  
Reply to Office action of Sep 2, 2003

### **REMARKS**

#### ***Claim Rejections under 35 U.S.C. 103(a)***

Applicant has amended claim 7 for the purposes of grammatical correction only.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al (US 2003/0048978 A1) in view of Fant et al (US 2003/0012481 A1).

Examiner states that Chen et al discloses an optical switch with all the limitations set forth in the claims, except it does not teach the use of indicators displaying different colors according to the condition of the switching means. However, Fant et al discloses an optical switching system having indicator lights for monitoring the state of each switching means. Therefore, it would have been obvious to a person of ordinary skill in the art to modify the Chen et al device to have monitoring indicators as claimed.

Applicant respectfully traverses Examiner for the following reasons.

Firstly, Fant et al fails to disclose indicators displaying mutually exclusive different colors used in a single optical switch. Fant et al only mentions that the controller, which may comprise one or more computers, may be connected to an indicator (para. [0023]). However, as disclosed in the instant invention, the

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indicator is in fact connected with an external controlling circuit instead of one or more computers. Therefore it is impossible or at the very least impracticable to combine Fant et al with Chen et al to provide the instant invention as claimed in amended claim 7.

Secondly, in a *single* optical switch in conventional art, an indicator showing actual light routing status is not applied. As a result, an operator is not aware whether an optical apparatus controlled by the optical switch is in operation or not when the optical apparatus and the optical switch are in different places. This situation is very common in many applications and in the optical industry. The conventional optical switch is the source of such inconvenience to the operator.

However, applicant's method as recited in amended claim 7 succeeds in solving this practical problem, by identifying optical paths through colors displayed by the input and output indicators recited. Even assuming that it occurs for a person of ordinary skill in the art to combine the two references, the combination produces very useful and unexpected results, and should be regarded non-obvious.

Finally, the method using the optical switch recited in amended claim 7 is in a *crowded art.* Therefore, even a small step forward should be regarded significant.

Examiner seemingly implicitly indicated that the invention of amended claim 7 is novel, and applicant asserts that the novelty produces *surprising* and

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*unexpected* results. Therefore, Examiner is respectfully requested to withdraw the rejection as to claim 7.

By the way, Chen was published on Mar. 13, 2003 which is later than the filing date (Mar. 14, 2002) of the instant application. It is noted that both Chen and the instant application were commonly owned, at the time the invention was made, by the same person, i.e., Hon Hai Precision Industry Co., Ltd. (see attachments). Therefore, according to 103(c) Chen can NOT be applied in a rejection under 103(a) with regard to the instant application. By removing Chen from rejection basis, Fant et al. no longer renders obvious the invention as defined in claim 7.

**Allowable Subject Matter**

Claim 4 has been amended to remove a superfluity. It is submitted that the recitation of "*the* first predetermined single color" immediately before the deleted words renders the deleted words a superfluity. Therefore the amendment does not affect the scope or patentability of the claim.

In view of the above claim amendments and remarks, the subject application is believed to be in a condition for allowance and an action to such effect is earnestly solicited.

Respectfully submitted,  
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